

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services –Treasuries & Accounts Department - Allegations of corruption demand and acceptance of bribe by Sri M.Subramanyam, S.T.O (Retd) O/o S.T.O., Shadnagar, Mahabubnagar District Trapped on 19-06-2007 in C.C.No.10/2008- Convicted - Punishment of withholding of pension and gratuity in full permanently-Orders-Issued.

FINANCE (ADMN-III) DEPARTMENT

G.O.Rt.No. 2760

Dt: 18.07.2011

Read the following:

- 1.Lr.Rc.No.106/RCT-HMR/2007 dt.28-06-2007 of DG, ACB, Hyderabad.
2. Lr.Rc.No.106/RCT-HMR/2007 dt.27-12-2007 of DG, ACB, Hyderabad.
- 3.G.O.Ms.No.738, Finance (Admn-III) Department, dt.22-02-2008.
- 4.Judgment dt.21-7-2010 passed in C.C.No.10/2008 by the Special Judge for SPE & ACB Cases, Hyderabad.
- 5 .Show casuse notice issued vide Government Memo No. 2102/319/A2/Admn.III/2007 dated 27-12-2010
6. Lr. No. K(I)2/10156/2007 dated 15-04-2011 and 20-06-2011 of DTA, Hyderabad
7. Sri M.Subramanyam, S.T.O.(Retd)S.T.O., Shadnagar, Mahabubnagar District.

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ORDER:

In the reference 1st read above, the Director General, ACB, Hyderabad has reported that Sri M.Subramanyam, S.T.O (Retd) O/o S.T.O., Shadnagar, Mahabubnagar District was successfully trapped on 19-06-2007 on the allegations of demanding and acceptance of bribe amount of Rs. 5,000/- from the complainant of Sri K.Venkatesham S/o K.Rajesham, for showing official favour in passing the pay fixation arrears bill of Rs. 1,32,879/- and for passing (3) pending bills of the complainant.

2. In the reference 2nd read above, the Director General, ACB, Hyderabad in his final report has recommended for prosecution of the Accused Officer, Sri M.Subramanyam, S.T.O., O/o S.T.O., Shadnagar, Mahabubnagar District in a court of law.

3. After careful examination of the matter, Government have issued sanction for prosecution of Sri M.Subramanyam, S.T.O., O/o S.T.O., Shadnagar, Mahabubnagar District vide reference 3rd read above, and charge sheet was filed in C.C.No.10/2008.

4. In the reference 4th read above, Accused Officer Sri M.Subramanyam, S.T.O., O/o S.T.O., Shadnagar, Mahabubnagar District has been convicted by the Special Judge Court for A.C.B. Cases, Hyderabad on 21-07-2010 in C.C.No.10/2008 and sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs.2000/- and in default, to suffer six months simple imprisonment for the offences under Sections 7 and 13(2) r/w 13(1)(d) of P.C. Act, 1988. Both the sentences were ordered to run concurrently.

5. In view of his conviction, according to the orders issued in G.O.Ms.No.2, GA (Ser.C) Dept., 4-1-1999 in all proved cases of misappropriation, bribe, corruption etc., the penalty of dismissal from service shall be imposed.

6. During the pendency of the C.C.No.10/2008, Sri M.Subramanyam, S.T.O., O/o S.T.O., Shadnagar, Mahabubnagar District retired on 30-04-2008.

7. Government after careful examination of the matter, have provisionally decided to impose the punishment of withholding of the full pension and gratuity permanently under Rule 9 of A.P.Revised Pension Rules, 1980.

8. According to Rule 9 of A.P. revised Pension Rules, 1980 where a pensioner is convicted of a serious crime by a court of law the pension sanction authority may, by order in writing withhold or withdraw a pension or part thereof, whether permanently or for a specified period by giving notice specifying the proposed action to be taken against him and by calling for his representation.

9. Accordingly the Accused officer was given Show Cause Notice vide reference 5th read above, to explain as to why the punishment of withholding of the full pension and gratuity permanently, should not be imposed on him under Rule 9 of A.P. Revised Pension Rules, 1980 for his conviction in C.C.No. 10/2008 and requested to submit his explanation .

10. In the reference 7th read above , the individual has submitted his representation through DTA, A.P., Hyderabad stating that he has preferred Crl. Appeal against his conviction before Hon'ble High Court of A.P. and the Hon'ble High Court has suspended the imprisonment. He has also requested to drop the proposed punishment.

11. The DTA,A.P., Hyderabad in his report dt. 20-06-2011, has specifically stated that the explanation given by the Accused Officer to the Show Cause Notice is not at all correct and as per instructions issued by G.A.D. vide Memo No. 1621/Spl.B/2001-1,GA (Spl.B) Department dated 26-11-2001, public servant convicted of corruption and criminal misconduct shall be dismissed immediately upon such conviction and to withhold pension if already retired without waiting for any appeal.

12. The Hon'ble A.P. High Court in its order dated 16-08-2010 has delivered its judgment as under :

“In the circumstances stated in the petition, there shall be suspension of sentence of imprisonment imposed against the petitioner, pending the revision, on condition of the petitioner furnishing personal bond for Rs. 10,000/- together with two sureties for the like sum each to the satisfaction of the Additional Special Judge for SPE&ACB Cases, Hyderabad.”

since only the sentence is suspended, and not the conviction, hence further action for imposing the punishment can be taken.

13. As per G.O.Ms.No.442, Fin. (FW.Pen.I) Department dt. 25.09.2003, consultation with APPSC., is not necessary when the pensioner is found guilty in any judicial proceedings.

14. Government after careful examination of the matter , hereby order to impose the punishment of withholding of pension and gratuity in full permanently, on Sri M.Subramanyam, S.T.O. (Retd), O/o S.T.O., Shadnagar, Mahabubnagar District according to the orders issued in G.O.Ms. No. 2, G.A (Ser.C) Dept. dated 04-01-1999 r/w Rule 9 of A.P. Revised Pension Rules, 1980, for his conviction in C.C.No.10/2008 by the Court of Special Judge for SPE & ACB Cases, Hyderabad in its judgment dated 21-07-2010

15. The Director of Treasuries and Accounts, A.P., Hyderabad is requested to take further action in the matter accordingly.

16. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RANJEEV R. ACHARYA

PRL.SECRETARY TO GOVERNMENT (FP)

To

The individual (through the DTA, Hyderabad)(to dispatch by Regd.Post with Ack.due)

Copy to: The D.T.A., AP, Hyderabad.

The Director General, ACB, Hyderabad

The A.P. Vigilance Commission, Hyderabad

General Administration (Spl.C).Department

SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER